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ATTORNEY'S DOCKET NUMBER: 2008646-0001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

AUG 01 2008

Applicant: McElroy *et al.*  
Serial Number: 08/705,652  
Filed: August 30, 1996  
For: AUTOMATED SYSTEM FOR IMMOBILIZING A VEHICLE AND METHOD

Issued as: U.S. 5,835,868  
Issue date: November 10, 1998

OFFICE OF PETITIONS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate of Mailing**  
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
July 22, 2008  
Date  
RacAnne Tremblay  
Signature  
RacAnne Tremblay  
Typed or Printed name of person signing certificate

Sir:

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE UNDER 37 C.F.R. § 1.378**

Registrant respectfully requests that the above-identified patent be reinstated after unintentional delay in payment of a maintenance fee. Any petition to accept an unintentionally delayed payment of a maintenance fee filed under 37 C.F.R. § 1.378(c) must be filed within twenty-four months after the six-month grace period provided in § 1.362(e). The above-referenced patent issued on November 10, 1998, and the six-month grace period for payment of the 7.5 year maintenance fee ended on November 10, 2006. Thus, the deadline for filing a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee is November 10, 2008. Registrant, therefore, submits that this Petition is timely filed on July 22, 2008.

The entire delay in payment of the 7.5 year maintenance fee, including period from Registrant's discovery that the maintenance fee was not timely paid until payment of the maintenance fee was due, was unintentional, per the attached Declarations from the two inventors listed on the above-referenced patent, ALEJANDRO S. MCELROY and JASON RAUCHFUSS.

Registrant asks that it be afforded the maintenance fee Rule 1.378 set forth in 37 C.F.R. 1.378(a). Pursuant to § 1.378(c), Registrant submits herewith the required maintenance fee of \$1,180.00 and the surcharge of \$1,640.00 as set forth in Section 1.20(i)2.

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Registrant respectfully requests that the Examiner accept the maintenance fee together with surcharge in view of the unintentional delay of Registrant and withdraw any Notice of Patent Expiration.

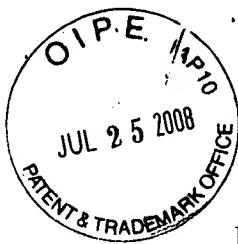
Please charge any fees that may be required for the processing of this Petition, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,



C. Hunter Baker, M.D., Ph.D.  
Registration Number: 46,533

Choate, Hall & Stewart LLP  
Two International Place  
Boston, MA 02110  
t (617) 248-5175  
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Date: July 22, 2008



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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DECLARATION**

I, Alejandro S. McElroy, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in United States patent application, Serial Number 08/705,652, filed August 30, 1996, and entitled "AUTOMATED SYSTEM FOR IMMOBILIZING A VEHICLE AND METHOD"; which issued as United States Patent 5,835,868 on November 10, 1998 ("the '868 Patent").
2. The '868 patent expired on November 10, 2006 for failure to timely pay the 7.5 year maintenance fee.
3. This Declaration accompanies a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee under 37 C.F.R. § 1.378 and requisite fees. This Declaration is presented for the purpose of demonstrating that the delayed payment of the 7.5 year maintenance fee was unintentional.
4. The entire delay in payment of the 7.5 year maintenance fee was unintentional, including the period from my discovery that the maintenance fee was not timely paid until payment of the maintenance fee.

5. I, Alejandro S. McElroy, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.

  
Alejandro S. McElroy

7/7/08  
Date



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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


Sir:

**DECLARATION**

I, Jason Rauchfuss, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in United States patent application, Serial Number 08/705,652, filed August 30, 1996, and entitled "AUTOMATED SYSTEM FOR IMMOBILIZING A VEHICLE AND METHOD"; which issued as United States Patent 5,835,868 on November 10, 1998 ("the '868 Patent").
2. The '868 patent expired on November 10, 2006 for failure to timely pay the 7.5 year maintenance fee.
3. This Declaration accompanies a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee under 37 C.F.R. § 1.378 and requisite fees. This Declaration is presented for the purpose of demonstrating that the delayed payment of the 7.5 year maintenance fee was unintentional.
4. The entire delay in payment of the 7.5 year maintenance fee was unintentional, including the period from my discovery that the maintenance fee was not timely paid until payment of the maintenance fee.

5. I, Jason Rauchfuss, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.

  
\_\_\_\_\_  
Jason Rauchfuss

7/10/08  
\_\_\_\_\_  
Date



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P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPOINTMENT OF ATTORNEY**

The undersigned hereby appoints:

The attorneys/agents associated with **Customer Number 24280** as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to:

Patent Department  
Choate, Hall & Stewart LLP  
Two International Place  
Boston, Massachusetts 02110

Respectfully Submitted,

  
Name: Alejandro S. McElroy

Date: 7/7/08